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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/988,431 12/11/97 GONG

L 3070-007

020277
MCDERMOTT WILL & EMERY
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WASHINGTON DC 20005-3096

LM01/0216

EXAMINER

BADERMAN, S

ART UNIT

PAPER NUMBER

2785

DATE MAILED:

02/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/988,431

Applicant(s)

Gong

Examiner

Scott T. Baderman

Group Art Unit

2785



☒ Responsive to communication(s) filed on Nov 19, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 5 and 15 is/are allowed.

☒ Claim(s) 1-4, 6, 7, 11-14, 16, 17, and 21-23 is/are rejected.

☒ Claim(s) 8-10 and 18-20 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Examiner: Scott T. Baderman

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231



DETAILED ACTION

Allowable Subject Matter

1. Claims 5 and 15 are allowed.
2. Claims 8-10 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 1, 3, 6-7 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (5,311,591).

This rejection is being applied for the same reasons set forth in the previous Office action, paper number 6, paragraph number 5, mailed August 25, 1999.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2, 11-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer.

This rejection is being applied for the same reasons set forth in the previous Office action, paper number 6, paragraph number 7, mailed August 25, 1999.

7. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Atsatt et al. (5,758,153).

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This rejection is being applied for the same reasons set forth in the previous Office action, paper number 6, paragraph number 8, mailed August 25, 1999.

Response to Arguments

8. Applicant's arguments filed November 19, 1999 have been fully considered but they are not persuasive.

With respect to claims 1-4, 6-7, 11-14, 16-17 and 21-23, the Applicant argues that Fischer (5,311,591) does not disclose the limitation "determining whether an action is authorized based on permissions associated with a plurality of routines in a calling hierarchy associated with a principal." The Examiner respectfully disagrees. First, the Examiner points out what the Applicant means concerning "the routines in a calling hierarchy." This can be seen on page 6, lines 9-11, in the specification of the instant application, wherein it says that "a calling hierarchy indicates the routines that have been invoked by or on behalf of a principal but have not been exited." Second, based on the above definition, the Examiner asserts that it would be proper to interpret the *request* made by the program, as is taught by Fischer (column 19: lines 3-4), as a "routine(s) in a calling hierarchy." In other words, the program requesting the action is interpreted as the principal and the actual request is based on a routine(s) of a calling hierarchy. Third, referring to Fischer, column 19: lines 3-24, the Examiner asserts that the permissions, within the PAI, are *associated* with the *request* of the requesting program. This can be seen by the example taught by Fischer

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wherein "if an attempt (or request) is made to use electronic mail, a check is made of the PAI to determine whether the program is authorized to perform electronic mail functions (column 19: lines 20-24)." Since, the check step above knows to look for an authorization concerning electronic mail functions, the Examiner asserts that at the very least the permissions, within the PAI, are associated with a routine(s) of a calling hierarchy (i.e., the request). The Examiner believes that this teaching reads on the broad limitation argued by the Applicant above. Last, the Examiner asserts that the term "associates" in the limitation offers this broad interpretation. The Examiner suggests that the Applicant elaborate on this term, and include it in the claims, if this limitation is to be given a narrower interpretation.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T. Baderman whose telephone number is (703) 305-4644.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 305-3718 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

STB

February 9, 2000


ROBERT W. BEAUSOLIEL, JR.
SUPERVISORY PATENT EXAMINER
GROUP 2700